



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on January 12, 2010.

Date of Meeting: June 23, 2009

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:38 p.m., on Tuesday, June 23, 2009, all members having been notified of the time and place thereof.

Roger W. Randolph, City Clerk, announced Council Member Glassman was unable to be present for the evening's meeting, but he would be participating by telephone. This was allowable under the Mayor and Council Rules and Regulations. He stated Council Member Glassman advised the City Clerk of his location, and assured him that no one else was present with him. Council Member Glassman could vote on all matters in the same way as those members physically present as long as he participated in the discussions. On the evening's agenda, all votes would be done by roll call rather than voice vote.

1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

Regina Romero	Vice Mayor, Council Member Ward 1
Rodney Glassman	Council Member Ward 2 (electronic attendance)
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Nina J. Trasoff	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused:

Steve Leal	Council Member Ward 5
------------	-----------------------

Staff Members Present:

Richard Miranda	Deputy City Manager
Michael Rankin	City Attorney
Roger W. Randolph	City Clerk

* **City Clerk Note:** The minutes of June 23, 2009, as approved by Mayor and Council, contained a clerical error on page five and page twenty-five. Within the text of the document, deleted text is ~~struckthrough~~ and new text is **bold**. RWR:DR:yl 3/10/10

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Dr. Lester L. Potts, Veterans of Foreign Wars 549, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup, assisted by Vice Mayor Romero, proclaimed June 24, 2009, to be El Día De San Juan Festival Day. Lillian Lopez-Grant, El Día de San Juan Committee Chair, accepted the proclamation

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 349, dated June 23, 2009, was received into and made part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

- a. Vice Mayor Romero invited the public to attend the 12th Annual El Día De San Juan Festival on June 24, 2009. She said it would be held on Congress Street at Avenida del Convento, and food and entertainment would be provided.

Vice Mayor Romero also invited the public to attend a workshop on Liquor Licenses on June 27, 2009, sponsored by the Southside Neighborhood Association Presidential Partnership and Community Prevention Coalition. The workshop would be held at the Westside Police Station.

- b. Council Member Scott reported that the Clements Center in Ward 4 recently celebrated their tenth year of service to the community.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 350, dated June 23, 2009, was received into and made part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

Richard Miranda, Deputy City Manager, reported that Deputy Chief Kermit Miller, who served as Interim Chief of Police before the appointment of Chief Roberto Villaseñor, and after thirty-six years of service to the Tucson Police Department (TPD), was retiring. Mr. Miranda stated that Chief Villaseñor had also made some significant changes within TPD and promoted Terry S. Rozema and Captain Brett Klein to Assistant Chief of Police, and Assistant Chief Sharon Allen to Deputy Chief of Police.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 351, dated June 23, 2009, was received into and made part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Applications

New License(s)

1. Charlie's Drive-in Liquor, Ward 6
5451 E. Pima St.
Applicant: Dharmeshkumar J. Patel
Series 9, City 32-09
Action must be taken by: July 4, 2009

Staff has indicated the applicant is in compliance with city requirements.

2. Uptown Bistro, Ward 6
100 N. Stone Ave., Suite 102
Applicant: Heather Lelane Reams
Series 12, City 35-09
Action must be taken by: July 11, 2009

Staff has indicated the applicant is in compliance with city requirements.

3. Longhorn Steakburger, Ward 2
9431 E. 22nd St., #157
Applicant: Thomas Robert Aguilera
Series 12, City 36-09
Action must be taken by: July 12, 2009

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

Person Transfer(s)

4. Sushi-Ten Japanese Restaurant, Ward 6
4500 E. Speedway Blvd., Unit 1
Applicant: David Liemhoang Lam
Series 6, City 37-09
Action must be taken by: July 11, 2009

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a person to person transfer, Mayor and Council may consider the applicant's capability, qualifications, and reliability. (A.R.S. Section 4-203)

Person/Location Transfer(s)

5. Feast, Ward 6
4122 E. Speedway Blvd.
Applicant: Douglas Marc Levy
Series 6, City 33-09
Action must be taken by: July 3, 2009

Staff has indicated the applicant is in compliance with city requirements.

Public Opinion: Written Argument Opposed Filed

This item was considered separately.

NOTE: State law provides that for a person and location transfer, Mayor and Council may consider both the applicant's capability, qualifications, reliability and location issues. (A.R.S. Section 4-203; R19-1-102)

c. Special Event(s)

1. Greater Oro Valley Arts Council, Ward 3
4502 N. 1st Ave.
Applicant: Amanda Kate Marquez
City T41-09
Date of Event: July 4, 2009
(July 4th Freedom Festival and Concert)

Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change/Acquisition of Control/Restructure

1. ALJS Tavern, Ward 5
4980 E. 22nd St.
Applicant: Raul Humberto Rodriguez
Series 6, City AC3-09
Action must be taken by: June 28, 2009

Revenue has indicated the applicant is in compliance with city requirements.

Tucson Police Department has indicated the applicant is not in compliance with city requirements.

* ~~(CONTINUED~~ **CONTINUED** FROM MAYOR AND COUNCIL MEETING OF JUNE 16, 2009)

NOTE: The local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

This item was continued to the meeting of July 7, 2009 at the request of the applicant.

It was moved by Council Member Uhlich, duly seconded, to forward liquor license applications 5b1 through 5b4, and 5c1 to the Arizona State Liquor Board with a recommendation for approval.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Glassman, Uhlich, Scott, and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Absent: Council Member Leal

The motion to forward liquor license applications 5b1 through 5b4, and 5c1 to the Arizona State Liquor Board with a recommendation for approval was declared passed by a roll call vote of 6 to 0.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Applications

Person/Location Transfer(s)

5. Feast, Ward 6
4122 E. Speedway Blvd.
Applicant: Douglas Marc Levy
Series 6, City 33-09
Action must be taken by: July 3, 2009

Staff has indicated the applicant is in compliance with city requirements.

Public Opinion: Written Argument Opposed Filed

Roger W. Randolph, City Clerk, announced the application to be considered separately was Item 5b5, located in Ward 6.

Council Member Trasoff asked if the person who filed the protest was present. There was no response. Council Member Trasoff said since the person who filed the protest letter was not present, and having reviewed the protest letter and the response letter from Mr. Levy, along with support letters from several neighborhoods in the area, she recommended that the Council forward a positive recommendation on behalf of Feast.

It was moved by Council Member Trasoff, duly seconded, to forward liquor license application 5b5 to the Arizona State Liquor Board with a recommendation for approval.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Glassman, Uhlich, Scott, and Trasoff;
Vice Mayor Romero and Mayor Walkup

Nay: None

Absent: Council Member Leal

The motion to forward liquor license application 5b5 to the Arizona State Liquor Board with a recommendation for approval was declared passed by a roll call vote of 6 to 0.

6. CALL TO THE AUDIENCE

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations.

- a. Joe Sweeney spoke about illegal immigrants negatively affecting our community and the Federal budget.
- b. Mary Ellen Lewis spoke about her large water bill that had accumulated while she was out of the Country.

Mayor Walkup asked City staff to speak with Ms. Lewis about her water bill.

7. CONSENT AGENDA – ITEMS A THROUGH N

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made part of the record. He asked the City Clerk to read the Consent Agenda.

A. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE COMMUNITY FOOD BANK

1. Report from City Manager JUN23-09-360 WARD 3
2. Resolution No. 21325 relating to Finance; approving and authorizing the allocation of Five Hundred Dollars (\$500) from the Ward 3 Office Community Support Fund, Account No. 001-183-1898-268, to the Community Food Bank; and declaring an emergency.

This is a request by Council Member Uhlich. Allocation of funds is as follows:
Council Member Uhlich - \$500.00

B. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO PIMA COUNCIL ON AGING

1. Report from City Manager JUN23-09-361 WARD 2
2. Resolution No. 21326 relating to Finance; approving and authorizing the allocation of Two Thousand Nine Hundred Dollars (\$2,900) from the Ward 2 Office Community Support Fund, Account No. 001-183-1898-268, to Pima Council on Aging (PCOA) to provide assistance to senior citizens living in the Tucson area; and declaring an emergency.

This is a request by Council Member Glassman. Allocation of funds is as follows:
Council Member Glassman - \$2,900.00

C. INDUSTRIAL DEVELOPMENT AUTHORITY: RE-APPOINTMENT TO THE BOARD OF DIRECTORS OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF TUCSON

1. Report from City Manager JUN23-09-359 CITY-WIDE
2. Resolution No. 21328 relating to the Industrial Development Authority of the City of Tucson; reappointing Maggie Amado-Tellez to the Board of Directors for a six-year term expiring on March 12, 2015; and declaring an emergency.

D. ASSURANCE AGREEMENT AND FINAL PLAT: (S08-087) ROCKEFELLER GROUP DISTRIBUTION CENTER CONDOMINIUMS, UNITS 101 TO 106, COMMON ELEMENTS “A-1” AND “A-2”, “B-1” TO “B-3”, LIMITED COMMON ELEMENTS “C-1” TO “C-6” AND “D-1” TO “D-12”

1. Report from City Manager JUN23-09-353 WARD 5
2. Resolution No. 21329 relating to Planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements and approving the final plat in Case No. S08-087, Rockefeller Group Distribution Center Condominiums, Units 101-106, Common Elements “A-1” through “A-2”, “B-1” through “B-3”, Limited Common Elements “C-1” through “C-6”, “D-1” through “D-12”; and declaring an emergency.
3. Staff recommends that the Mayor and Council approve the assurance agreement and the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

E. FINANCE: WRITE-OFF OF UNCOLLECTIBLE ACCOUNTS RECEIVABLE

1. Report from City Manager JUN23-09-357 CITY-WIDE
2. Resolution No. 21330 relating to finance; authorizing the write-off of certain uncollectible accounts; and declaring an emergency.

Roger W. Randolph, City Clerk, announced this item would be considered separately at the request of Council Member Trasoff.

F. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH ARTIC LAND VENTURES, L.L.C.

1. Report from City Manager JUN23-09-362 OUTSIDE CITY
2. Resolution No. 21331 relating to Pre-Annexation and Development Agreements; authorizing and approving the execution of a Pre-Annexation and Development Agreement between Artic Land Ventures, L.L.C. and the City of Tucson; and declaring an emergency.

Note: if annexed, area would be in Ward 5

G. GRANT APPLICATION: TO THE U.S. FEDERAL TRANSIT ADMINISTRATION FOR THE NEW FREEDOM PROGRAM

1. Report from City Manager JUN23-09-354 CITY-WIDE
2. Resolution No. 21332 relating to Transportation; authorizing and approving the submission of a Federal Transit Administration (FTA) Section 5317 New Freedom Program (NFP) Grant Application (Federal Fiscal Year 2007 Funds), Grant No. AZ-57-X006; and declaring an emergency.

H. GRANT APPLICATION: TO THE U.S. FEDERAL TRANSIT ADMINISTRATION FOR A JOB ACCESS AND REVERSE COMMUTE PROGRAM

1. Report from City Manager JUN23-09-355 CITY-WIDE
2. Resolution No. 21333 relating to Transportation; authorizing and approving the submission of a Federal Transit Administration (FTA) Section 5316 Job Access and Reverse Commute (JARC) Program Grant Application (Federal Fiscal Year 2007 Funds) Grant No. AZ-37-X012; and declaring an emergency.

I. REAL PROPERTY: ACQUISITION OF ELECTRICAL, WATER AND TEMPORARY CONSTRUCTION EASEMENTS FOR RECOVERED WATER TRANSMISSION MAIN IN SOUTHERN AVRA VALLEY

1. Report from City Manager JUN23-09-369 OUTSIDE CITY
2. Resolution No. 21334 relating to real property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, electrical, water, and temporary construction easements for recovered water transmission main in Southern Avra Valley; and declaring an emergency.

J. COMMUNITY SERVICES: AUTHORIZING THE PUBLIC HOUSING AUTHORITY TO PROVIDE AN OPERATING DEFICIT GUARANTEE AND APPLICATION FOR 2009 LOW INCOME HOUSING TAX CREDITS

1. Report from City Manager JUN23-09-363 CITY-WIDE
2. Resolution No. 21335 relating to Community Services: authorizing and directing the City of Tucson Public Housing Authority (PHA) to provide an Operating Deficit Guarantee in conjunction with the submittal of an application to the Arizona Department of Housing for 2009 Low Income Housing Tax Credits; and authorizing the City Manager to sign and execute the Operating Deficit Guarantee; and declaring an emergency.

K. PUBLIC IMPROVEMENT: PANTANO ROAD, SPEEDWAY BOULEVARD TO 22ND STREET DISTRICT LIGHTING IMPROVEMENT

1. Report from City Manager JUN23-09-367 WARD 2
2. Resolution No. 21314 relating to Transportation; approving the issuance of City of Tucson Improvement Bond, Series No. 826, for the “Pantano Road, Speedway Boulevard to 22nd Street District Lighting Improvement”; directing the delivery of said bond to Wells Fargo Bank, Corporate Trust Services, as registrar; ratifying prior acts; and declaring an emergency.

L. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO MOBILE MEALS OF TUCSON

1. Report from City Manager JUN23-09-370 MAYOR
2. Resolution No. 21336 relating to Finance; approving and authorizing the allocation of Four Hundred Forty-Five Dollars (\$445) from the Mayor’s Office Community Support Fund, Account No. 001-183-1898-268 to Mobile Meals of Tucson to assist with funding meals for elderly and disabled clients; and declaring an emergency.

This is a request by Mayor Walkup. Allocation of funds is as follows:
Mayor Walkup - \$445.00

M. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO TUCSON POPS ORCHESTRA

1. Report from City Manager JUN23-09-371 MAYOR
2. Resolution No. 21337 relating to Finance; approving and authorizing the allocation of Two Thousand Dollars (\$2,000) from the Mayor's Office Community Support Fund, Account No. 001-183-1898-268 to Tucson Pops Orchestra to assist with funding the Tucson Pops Free Concerts; and declaring an emergency.

This is a request by Mayor Walkup. Allocation of funds is as follows:
Mayor Walkup - \$2,000.00

N. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO LEND A HAND SENIOR OUTREACH, INC.

1. Report from City Manager JUN23-09-372 WARD 3
2. Resolution No. 21338 relating to Finance; approving and authorizing the allocation of Two Hundred Fifty Dollars (\$250), from the Ward 3 Council Office Community Support Fund, Account No. 001-183-1898-268, to Lend a Hand Senior Outreach, Inc. to provide assistance in day to day duties for seniors within the Ward 3 neighborhoods; and declaring an emergency.

This is a request by Council Member Uhlich. Allocation of funds is as follows:
Council Member Uhlich - \$250.00

It was moved by Council Member Scott, duly seconded, that Consent Agenda Items A through N, with the exception of item E, which was considered separately, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Glassman, Uhlich, Scott, and Trasoff;
Vice Mayor Romero and Mayor Walkup

Nay: None

Absent Council Member Leal

Consent Agenda Items A through N, with the exception of item E, which was considered separately, were declared passed and adopted by a roll call vote of 6-0.

7. CONSENT AGENDA – ITEM E

E. FINANCE: WRITE-OFF OF UNCOLLECTIBLE ACCOUNTS RECEIVABLE

1. Report from City Manager JUN23-09-357 CITY-WIDE
2. Resolution No. 21330 relating to finance; authorizing the write-off of certain uncollectible accounts; and declaring an emergency.

Roger W. Randolph, City Clerk, announced this item would be considered separately at the request of Council Member Trasoff.

Council Member Trasoff said given that they were dealing with the amount of five million dollars, she did not want the item to proceed on the Consent Agenda. She asked if staff could explain that they were not just writing off the debt, but was there a mechanism in place to continue collecting outstanding debt.

Silvia Amparano, Interim Finance Director, explained the write-off was an accounting exercise the Finance Department did on a semi-annual basis to value the accounts receivable on the books at a value that was accurate. She stated it did not mean the debts were written off and the City would not pursue them. The debts due to the City were still pursued by having liens placed on debtor's property. She said the City had debts that had been outstanding for a quite some time; but currently, the Finance Department was putting a value on debts at a level that could be considered receivable.

Council Member Trasoff asked if there was communication between different departments within the City to show if someone had a debt to another City department. For example, if someone owed the City five hundred dollars and signed up to take a Parks and Recreation class, or came into the Development Services Department for a permit, that department would know if the individual had an outstanding debt with another City department and was trying to take advantage of other City services. This way, there would be an access point to those individuals.

Ms. Amparano said there was communication between City departments to some degree, but not all City departments had access to it. When an account became delinquent, there was a delinquent account section within the Finance Department that filtered all the delinquent accounts. There was also database within the Finance Department, which other departments could access, to see if an individual had an outstanding balance. For example, when someone applied for a City business license, research could be done to see if that individual owed prior sales taxes or prior debts on other City accounts. Ms. Amparano said every department had their own billing system, such as Tucson Water and the Fire Department. Ms. Amparano added that the Finance Department, for those individuals with outstanding debts, were turned over to a collection agency where further collection efforts were pursued.

Council Member Trasoff asked that the City discuss this issue in September or in the near future, to see if there was an opportunity to better coordinate within City departments, an effort to pursue people who were coming to the City for other services. Council Member Trasoff said, since there were other departments who already cross-referenced an individual to see if they had City debt, she would like to make that procedure the normal process, as opposed to some departments cross-referencing and other departments not.

Ms. Amparano added that the Finance Department was reorganizing to move delinquent accounts closer to the accounts receivable section, so they would have closer communication to get the process of collecting delinquent accounts at an earlier stage. Currently, some departments waited ninety days to send a letter to inform the debtor of their delinquency. By beginning the process earlier, she said she felt the chance of collecting the delinquencies was higher.

Council Member Trasoff said the collection effort was commendable, but she wanted to see a protocol in place so other departments could check to see if someone owed the City money prior to providing services. Council Member Trasoff asked if some protocols could be created in the fall with an update on the progress.

Richard Miranda, Deputy City Manager, replied it was possible; but it was his understanding that different departments had tried to have some sort of connect-up in the past, but there were some legal problems in doing so. He said research would have to be done to see what the problems were.

Michael Rankin, City Attorney, said there were some instances where the City had the legal authority to deny one service, based on an unpaid obligation to another service, or at least would have negative ramifications. Mr. Rankin said Ms. Amparano touched on one example in Business Licenses. If someone was applying for a business license and there were outstanding taxes due, the outstanding debt would be caught. In addition, if a liquor license applicant owed outstanding taxes, then that debt could be a basis for denial.

Mr. Rankin said there were certain instances where the City did not have legal authority. For example, the City could not cut off a customer's water service because they owed a court fine for speeding and a building permit could not be denied because someone had an outstanding civil traffic violation. However, there were other cases where the City could deny a service. If someone had not paid their impact fee, the City could deny their building permit. He said coordination could help by having the information. If for no other reason, at least when someone came in for City services, they at least could be informed of their outstanding obligation and receive further information, which would help the City's collection efforts.

Council Member Trasoff said during difficult budget times, she wanted to know and better understand what was being done to expand the collection efforts. She said she

was going to submit a memo for study session to look at other ways to recover additional City fees.

It was moved by Council Member Trasoff, duly seconded, that Consent Agenda Item E be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion.

Council Member Scott asked if the Tax Amnesty Program was still available until the end of the month, and if business owners who were currently delinquent in paying their City taxes could take advantage of this tax amnesty. She asked Ms. Amparano to explain the program.

Ms. Amparano said currently there was a Tax Amnesty Program in place that began on May 1, 2009, and was still in effect and ended on June 30, 2009. She said they received over two thousand calls from business owners who had delinquent accounts and concerns about paying their delinquent City sales taxes. She reminded the public that the tax amnesty would end June 30, 2009, and it was a rare occasion for delinquent sales tax business owners to come in and pay them. The benefit of the tax amnesty was that delinquent penalties would be waived and interest reduced by half. However, in order to take advantage of that opportunity, the delinquent taxpayer would need to call the Finance Department by June 30, 2009, to be effective.

Council Member Scott thanked Ms. Amparano and said that was good news.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Glassman, Uhlich, Scott, and Trasoff;
Vice Mayor Romero and Mayor Walkup

Nay: None

Absent: Council Member Leal

Consent Agenda Item E was declared passed and adopted by a roll call vote of 6 to 0.

8. PUBLIC HEARING: AMENDING THE 2004 PIMA COUNTY BOND PROGRAM TO ADD VALENCIA/I-19 ARCHAEOLOGICAL SITE AS AN ELIGIBLE PROJECT

Mayor Walkup announced City Manager's communication number 364, dated June 23, 2009, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing on a request by Pima

County to approve the addition of the Valencia Archeological Site as an eligible project under the 2004 Pima County Bond Program.

Mayor Walkup said staff would make a brief presentation before beginning the public hearing.

Richard Miranda, Deputy City Manager, said this issue was brought to him a couple of months ago and a presentation was made about the Valencia Archeological Site. He said he found it very interesting and thought it would be great for the Mayor and Council to see the all the work that was done and what the vote was all about. He asked staff to give a short presentation on the Valencia Archeological Site.

Nicole Fyffe, Pima County Administrator's Office, said she would explain why the property was before Mayor and Council. In 2004, voters approved one hundred and sixty million dollars for Pima County to purchase properties that were naturally and culturally significant. Currently, Pima County purchased forty thousand acres of land, which included land in the City of Tucson. Five-million dollars was allocated specifically for purchasing land within the City of Tucson along the Thirty Sixth Street Corridor, between Tucson Mountain Park and the Santa Cruz River. To date, Pima County had purchased three properties in that area totaling about two hundred and thirty acres. One of the properties became a main trailhead to Tucson Mountain Park and there was approximately 2.7 million dollars remaining in that project area. Ms. Fyffe said there was an opportunity to conserve a property that included the Valencia Archeological Site on sixty-acres, located at I-19 and Valencia, not in this project area. Ms. Fyffe explained this was State Trust Land, and would be similar to what happened to Tumamoc Hill.

Ms. Fyffe said the State Land Department was now willing to put this land up for auction in a time when there were not many bidders. This would be a good opportunity for the City of Tucson and Pima County to take advantage and auction the property. Currently, there were no other funding sources, and Pima County was asking for the support of the Mayor and Council by adding the Valencia Archeological Site to the Thirty Sixth Street Corridor Project through a bond ordinance amendment. She said this was done regularly through Pima County, so they could have this opportunity.

Ms. Fyffe said if the Mayor and Council supported that option, the next step would be to go to the Pima County Conservation Acquisition Commission, the County Bond Committee, and the Pima County Board of Supervisors. Each would hold their own public hearings to allow the members of the public to be aware that Pima County was making a change to the bond ordinance. Ms. Fyffe said, with the support of the Mayor and Council, it was hopeful the process could be done by October. It would then be possible to have an auction by the end of the year. She clarified she did not mean she hoped the economic environment would stay poor, but it would benefit both the City and County to be able to acquire the property.

Vice Mayor Romero said she met with Ms. Fyffe and appreciated Pima County coming to the City and the Ward 1 Council Office to present the information. She said during their last meeting, she asked what the financial considerations were for the City of Tucson.

Ms. Fyffe explained the financial considerations for the City of Tucson were zero, and it was Pima County's bond dollars that were allocated for the purchase of land in the City of Tucson. The State Land Department was completing the appraisal for the property and it was expected to be between half a million and a million. She said, they were going for a matching grant by State Parks Department, and out of the 2.7 million left in that project area, they were looking to allocate a half a million to a million for the property.

Roger Anyon, Pima County Office of Cultural Resources, stated he would speak about the cultural values of the Valencia Archaeological Site. He said that by purchasing the Valencia Archaeological Site parcel, the County's intention was to conserve the large Hohokam settlement and protect it. Their goal was to protect and preserve the site in place and intact.

Mr. Anyon said, in 1984, the Valencia Archaeological Site was listed in the National Register of Historic Places. The National Register included the most significant archaeological sites in the United States, attesting to the national importance of the Valencia Archaeological Site. The Valencia Site community had a long and intense occupation. There were indications that the site may have been occupied for as long as three thousand years, although the most intensive period of occupation was Hohokam that dated back approximately sometime between AD 350 to AD 1150.

Mr. Anyon explained the core of the Valencia Site, situated on the sixty-seven acre parcel, was currently owned by the Arizona State Land Department and was the parcel that was the subject of discussion that evening. This complete parcel was within the National Register's listed properties.

Mr. Anyon said, based on a recent archaeological survey in 2009, which was research that did not disturb the ground surface, they estimated that the sixty-seven acre parcel under discussion contained the following Hohokam features:

- One ball-court, which was a large, flat, oval open area flanked by large earthen berms. This was the central ceremonial and civic focus of the settlement.
- Two plazas, each surrounded by clusters of domestic pit-houses. The plazas would have been the focus of daily social and economic life at the Valencia Site.
- Twenty-two trash middens and artifact concentrations, which were the accumulated debris of the Hohokam occupation.
- Estimated one thousand eight hundred domestic pit houses on the parcel, each a family residence.

- Estimated almost one thousand human cremations within the sixty-seven acre parcel.
- Additional two thousand, two hundred archaeological features, above and beyond the features already mentioned.

Mr. Anyon added that preserving the Valencia Site had long been a City, County, and State priority. The City's *Santa Cruz Area Plan*, the County's *Paseo de las Iglesias Restoration Plan* and the *Sonoran Desert Conservation Plan* specifically identified the Valencia Site for preservation because of its unique scientific, educational, and cultural significance. In addition, the State Land Department reclassified this parcel under the Arizona Preserve Initiative, which ensured that Growing Smarter funds were available for its purchase for conservation purposes.

Mr. Anyon said the values of the Valencia Site were much greater than any monetary valuation could assess. This was the largest and most intact Hohokam ball-court site in Tucson that survived urban development, and was the ancestral home of the Tohono O'Odham. As a Hohokam ceremonial center, habitation site, and burial ground, the site had tremendous cultural significance to the Tohono O'Odham Nation, and Mr. Anyon said this subject would be discussed later during the presentation.

Mr. Anyon concluded by showing the Mayor and Council an aerial photograph of the northern parcel and described the locations of some of the features.

Peter L. Steere, Cultural Affairs Manager and Tribal Archeologist for the Tohono O'Odham Nation, said he was representing Ned Norris, Tohono O'Odham Nation Chairman, who was not able to attend the meeting. He presented and read into the record a letter from Mr. Norris addressed to the Mayor and Council.

Mr. Steere read that the Tohono O'Odham Nation strongly supported the proposed amendment to the 2004 Pima County Bond Program to add the Valencia Archaeological Site as an eligible property to be purchased by Pima County for conservation purposes under Bond Project OS1.16, which was a City of Tucson jurisdictional open space category. He read, the City and State were recently able to purchase, for conservation, three hundred twenty acres of State Trust Land on Tumamoc Hill with matching funds from Arizona State Parks. The Tohono O'Odham Nation strongly supported the similar purchase of the Valencia Archaeological Site from the State Land Department that was also successfully reclassified by Pima County for conservation purposes under the Arizona Preserve Initiative.

Mr. Steere continued reading that the Valencia Site represented an important and archaeological ancestral site for the Tohono O'Odham Nation. It was one of the very last intact prehistoric Hohokam village sites that remained in the Tucson Metropolitan area and listed in the National Register of Historic Places. The Tohono O'Odham Nation regarded the Hohokam belonging to their ancestors and the Valencia Site was considered an important traditional cultural place. The Tohono O'Odham Nation strongly supported the acquisition of the Valencia Site by Pima County to preserve the Hohokam ancestors'

remains and to preserve a legacy site for future generations. He read the Tohono O'Odham Nation requested that the Mayor and Council act favorably to add the Valencia Site as an eligible property to Bond Project OS1.16.

Tony Burrell, member of the San Xavier District and part of the Tohono O'Odham Nation, said he was representing Chairman Austin Nuñez, who also was unable to attend the Mayor and Council meeting. He said he too had a letter to read that was addressed to the Honorable Mayor and Council, regarding the Valencia Archeological Site amendment to the 2004 Pima County Bond Program, to add the Valencia Archeological Site as eligible property to Bond Project OS1.16 in Ward 1.

Mr. Burrell read that the San Xavier District of the Tohono O'Odham Nation supported the proposed amendment to the 2004 Pima County Bond Program to add the Valencia Archeological Site as an eligible property to be purchased for conservation purposes under Bond Project OS1.16, which was City of Tucson jurisdictional open space category. The San Xavier District continued to support efforts to preserve the Valencia Site that started in 1983, during the construction of Calle Santa Cruz. He read they also supported the 1997 Pima County Bond Election to purchase the site and to voice their support in 2001, for Pima County's successful Arizona Preservation Initiative Petition number 35-106671 to the Arizona State Land Department to reclassify the Valencia Site parcel for conservational purposes.

Mr. Burrell read the San Xavier District of the Tohono O'Odham Nation also supported the inclusion of the Valencia Site in the City of Tucson's *Santa Cruz River Park Plan* adopted in 1982, and the Pima County River Corridor Restoration Project known as Paseo de las Iglesias Project that would be completed in cooperation with the U.S. Army Corps of Engineers. He read the Valencia Site represented an important archeological and ancestral site for the Tohono O'Odham Nation. It was one of the very last intact historical Hohokam village sites that remained in the Tucson metropolitan area and listed in the National Register of Historic Places. The Tohono O'Odham Nation regarded the Hohokam as their ancestors and the Valencia Site was considered an important traditional cultural place.

Mr. Burrell read the San Xavier District strongly supported the acquisition of the Valencia Site to preserve their Hohokam ancestors' remains as a legacy site for future generations. He read that the San Xavier District of the Tohono O'Odham Nation requested the Mayor and Council to act favorably and add the Valencia Site as eligible property site to Pima County Bond OS1.16.

Mayor Walkup asked if there was anyone else wishing to speak on the subject.

Jonathan Mabry, City of Tucson Historic Preservation Officer, explained there were more than five hundred recorded archeological sites within the City limits and this was one of the largest and most important. This was the downtown for the Hohokam people in the Tucson basin during that period and it had one of the last preserved Hohokam ball-courts in the Tucson basin. He said it was clearly a very significant

archeological site largely intact and something the Historic Preservation Office strongly supported.

It was moved by Council Member Trasoff, duly seconded, to close the public hearing.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Glassman, Uhlich, Scott, and Trasoff;
Vice Mayor Romero and Mayor Walkup

Nay: None

Absent: Council Member Leal

The motion to close the public hearing was passed by a roll call vote of 6 to 0.

Mayor Walkup asked the City Clerk to read Resolution 21327 by number and title only.

Resolution No. 21327 relating to parks and archaeological conservation; requesting the Board of Supervisors to amend Pima County Ordinance 2004-18, the Bond Implementation Plan Ordinance for the May 18, 2004 Bond Election, and add Valencia Archaeological Site as a property that is eligible to purchase for conservation under Bond Project OS1.16 36th Street Corridor; and declaring an emergency.

Vice Mayor Romero thanked Pima County staff for their work and the thorough communication between the Council offices and the Tohono O'Odham Nation regarding the steps that were taken. She recognized Chairman Ned Norris and Chairman Austin Nuñez for the work they had done for the Tohono O'Odham Nation and the community. She said it was important that this property be purchased, maintained and invested in to make it the jewel that it was, and to be able to show future generations how they once lived in the area.

It was moved by Vice Mayor Romero, duly seconded, to pass and adopt Resolution 21327.

Council Member Trasoff asked if the Valencia Site would be owned by Pima County, and if there were plans to excavate the property. She said it was fascinating to see the map, to see what was there, and asked if there were plans to excavate so the rest of community could learn more from the project.

Mr. Anyon replied that Pima County did not intend to excavate the site. The intent was to solely purchase it to conserve the property for future generations. He said this was one of those places they thought was important enough not to have archaeological excavation. He said they had learned a lot from other archaeology they had done and thought it was important to apply a conservation ethic in archeology to leave some sites untouched and exactly the way there were to preserve the archeological and cultural values. In this case, he said it was most important to preserve the values of the Tohono O'Odham Nation since this was their ancestral site and it was their preference to see the site in place and untouched. So Pima County's intent was to only conserve the property.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Glassman, Uhlich, Scott, and Trasoff;
Vice Mayor Romero and Mayor Walkup

Nay: None

Absent: Council Member Leal

Resolution 21327 was declared passed and adopted by a roll call vote of 6 to 0.

9. PUBLIC HEARING: AMENDING THE NEIGHBORHOOD PRESERVATION ORDINANCE

Mayor Walkup announced City Manager's communication number 356, dated June 23, 2009, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing on the proposed amendments to the Neighborhood Preservation Ordinance. He said the public hearing was scheduled to last no more than one hour and speakers would be limited to five-minute presentations.

Ruth Beeker said she was in favor of the adoption of the Neighborhood Preservation Ordinance. As a neighborhood advocate, she said the ordinance, as written, was very relevant and thorough. The problem was in the enforcement of the content. The need for the ordinance had increased in the established neighborhoods over the past decade. She stated more and more of the residential properties had become rentals, and as a result, in too many cases, the transition from owner occupied to rental units resulted in a decline in the neighborhood norms of property maintenance and civility. She said she appreciated that staff included in the amendments, an exemption for people with disabilities that were unable to care for their properties.

Ms. Beeker said neighbors should not have to tolerate willful negligence of irresponsible landlords, and taxpayers should not be subsidized through City policy. She

suggested the fee structure be revisited at the end of Fiscal Year 2010, to determine if the fees were adequate to provide full cost recovery for staff services. She said if the fees were not, they might need to be adjusted upward.

Ms. Beeker also suggested full cost recovery for the Tucson Police Department (TPD) who had to cite for red tagging in the neighborhoods. She said it was the landlord's responsibility to teach their tenants and give them a lease stating the type of behavior expected in the neighborhood. Ms. Beeker said for TPD to go out and baby sit and the neighbors to call in to take care of behavioral problems within their neighborhoods seemed to be another place where the City should look at for cost recovery.

Mayor Walkup asked if there was anyone else wishing to speak on the subject. There was no one.

It was moved by Council Member Trasoff, duly seconded, to close the public hearing.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Glassman, Uhlich, Scott, and Trasoff;
Vice Mayor Romero and Mayor Walkup

Nay: None

Absent: Council Member Leal

The motion to close the public hearing was passed by a roll call vote of 6 to 0.

Mayor Walkup asked the City Clerk to read Ordinance 10687 by number and title only.

Ordinance No. 10687 relating to Neighborhood Preservation; amending Chapter 16, Section 16-42 of the Tucson Code, the "Neighborhood Preservation Ordinance"; authorizing fees for re-inspections after the issuance of a notice of violation; establishing a re-inspection fee of Seventy-Five Dollars (\$75.00); and establishing fees for appeals to the Code Official and to the Board of Appeals; setting an effective date; and declaring an emergency.

Council Member Trasoff commented the reasons to pass the Neighborhood Preservation Ordinance were beautifully articulated by Ms. Beeker.

It was moved by Council Member Trasoff, duly seconded, to pass and adopt Ordinance 10687.

Council Member Uhlich said she heard from several residents in Ward 3, who were concerned whether the fees were set high enough to cover anticipated costs associated with re-inspection and other steps in the process. She asked if, within the motion, there was a provision embedded that would bring the ordinance back within a year to re-evaluate if costs were fully recovered. She said if not, she wanted to offer a friendly amendment to the motion to get that assessment, to ensure fees were realistically set.

Michael Rankin, City Attorney, advised Council Member Uhlich she could make the amendment a part of the motion. He said, part of the overall user fee policy being discussed, which would return to the Mayor and Council, was embedded within that policy. If approved, all different types of user fees would return to the Mayor and Council annually for review. He said Council Member Uhlich could include the amendment in the motion and that direction would be taken.

Council Member Trasoff said she accepted Council Member Uhlich's amendment to the motion.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Roger W. Randolph, City Clerk, clarified that the motion was to pass and adopt Ordinance 10687, with the amendment to return within one year.

Upon roll call, the results were:

Aye: Council Members Glassman, Uhlich, Scott, and Trasoff;
Vice Mayor Romero and Mayor Walkup

Nay: None

Absent: Council Member Leal

Ordinance 10687 was declared passed and adopted by a roll call vote of 6 to 0, with the amendment that it return to the Mayor and Council within one year.

10. PUBLIC HEARING: PROPOSED ALTERNATIVE EXPENDITURE LIMITATION – HOME RULE OPTION

Mayor Walkup announced City Manager's communication number 365, dated June 23, 2009, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing on proposed alternative expenditure limitation, regarding the Home Rule Option. He said the public hearing was

scheduled to last no more than one hour and speakers were limited to five-minute presentations.

Mayor Walkup asked if there was anyone in the audience wishing to be speak on the item. There was no one.

It was moved by Council Member Uhlich, duly seconded, to close the public hearing.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Glassman, Uhlich, Scott, and Trasoff;
Vice Mayor Romero and Mayor Walkup

Nay: None

Absent: Council Member Leal

The motion to close the public hearing was passed by a roll call vote of 6 to 0.

Mayor Walkup announced a second public hearing on this item was scheduled for the meeting on Tuesday, July 7, 2009, at or after 5:30 p.m. in the Mayor and Council Chambers of City Hall, 255 West Alameda.

11. ZONING: (C9-07-29) KIPPES – UHL STREET, RX-2 TO R-2, ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 358, dated June 23, 2009, was received into and made part of the record. He asked the City Clerk to read Ordinance 10686 by number and title only.

Ordinance No. 10686 relating to zoning: amending zoning district boundaries in the area located approximately 400 feet west of Pantano Road, and 1,625 feet south of Broadway Boulevard in Case C9-07-29, Kippes – Uhl Street, RX-2 to R-2; and setting an effective date.

Roger W. Randolph, City Clerk, stated the item required a three-quarter majority vote.

Council Member Glassman asked if the applicant was present.

Mayor Walkup announced the applicant was present.

Council Member Glassman thanked Ryan Kippes, the applicant for the project. He said this was a project that was using a Residential Cluster Plan, which allowed for higher density in exchange for more urban space. He said the applicant took the time to work with the Ward 2 Council Office on a few occasions to make sure the property increased its functionality and provided something that Ward 2 was looking forward to.

It was moved by Council Member Glassman, duly seconded, to pass and adopt Ordinance 10686.

Mayor Walkup asked if there was further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Glassman, Uhlich, Scott, and Trasoff;
Vice Mayor Romero and Mayor Walkup

Nay: None

Absent: Council Member Leal

Ordinance 10686 was declared passed and adopted by a roll call vote of 6 to 0.

12. FINANCE: FIXING AND LEVYING THE PRIMARY AND SECONDARY PROPERTY TAXES FOR FISCAL YEAR 2010

Mayor Walkup announced City Manager's communication number 368, dated June 23, 2009, was received into and made part of the record. He asked the City Clerk to read Ordinance 10671 by number and title only.

Ordinance No. 10671 relating to taxation; fixing, levying, and assessing primary and secondary property taxes for the City of Tucson upon the assessed valuation of the property within the City of Tucson subject to taxation, each in a certain sum upon each one hundred dollars (\$100.00) of valuation, sufficient to raise the amount estimated to be required in the annual budget, less the amounts estimated to be received from other sources of revenue and unencumbered balances from the previous fiscal year; providing funds for various purposes, all for the fiscal year ending June 30, 2010; and declaring an emergency.

It was moved by Council Member Uhlich, duly seconded, to pass and adopt Ordinance 10671.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

* Aye: Council Members Glassman, Uhlich, Scott, ~~Leal~~, and Trasoff;
 Vice Mayor Romero and Mayor Walkup

 Nay: None

* **Absent: Council Member Leal**

Ordinance 10671 was declared passed and adopted by a roll call vote of 6 to 0.

**13. TUCSON CONVENTION CENTER: AMENDING RULES AND REGULATIONS
RELATING TO FACILITY USER FEES**

Mayor Walkup announced City Manager's communication number 366, dated June 23, 2009, was received into and made part of the record. He asked the City Clerk to read Ordinance 10688 by number and title only.

Ordinance No. 10688 relating to Tucson Convention Center; approving amendments to the Tucson Convention Center Rules and Regulations related to Facility User Fees; amending Ordinance No. 8559; and declaring an emergency.

It was moved by Council Member Scott, duly seconded, to pass and adopt Ordinance 10688.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Glassman, Uhlich, Scott, Leal, and Trasoff;
 Vice Mayor Romero and Mayor Walkup

Nay: None

Ordinance 10688 was declared passed and adopted by a roll call vote of 6 to 0.

14. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 352, dated June 23, 2009, was received into and made part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Trasoff, duly seconded to approve the re-appointments of Sue Krahe and Ken Karrels to the Pima County - City of Tucson Commission on Addiction, Prevention and Treatment, and to appoint Chris Gans to the West University Historic Zone Advisory Board with the category of property owner.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Glassman, Uhlich, Scott, and Trasoff;
Vice Mayor Romero and Mayor Walkup

Nay: None

Absent: Council Member Leal

The motion to approve the re-appointments of Sue Krahe and Ken Karrels to the Pima County - City of Tucson Commission on Addiction, Prevention and Treatment, and to appoint Chris Gans to the West University Historic Zone Advisory Board with the category of property owner was carried by a roll call vote of 6 to 0.

Mayor Walkup asked if there were any personal appointments to be made.

There were no personal appointments.

15. ADJOURNMENT: 6:44 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, July 7, 2009, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 23rd day of June 2009, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:cs:sac